



PATENT CASE: 0948Q

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **SHIH et al.**

For Patent For: **IMPROVED GROWTH
STIMULANT COMPOSITIONS**

Serial No.: 09/431,519

Filed: November 1, 1999

Group Art Unit: 1616

Examiner: N. Levy

Date: February 14, 2003

Schering-Plough Corporation
Kenilworth, New Jersey 07033-0530

Box AF
Assistant Commissioner of Patents
Washington, D.C. 20231

AMENDMENT UNDER 37 CFR 1.116

Sir:

This amendment is being filed concurrently with an Appeal Brief in response to the Final Office Action mailed October 23, 2002. No new matter has been added.

Claims 1-42 are pending in the application. Claims 21-42 are withdrawn from consideration. Claims 1-20 are rejected.

This amendment is being filed in compliance with 37 CFR 1.116, and therefore, entry of this amendment is respectfully requested.

IN THE CLAIMS

Please amend the claims as follows:

Please amend claim 1, to read as follows:

Claim 1 (thrice amended): An anabolic implant dual formulation composition comprising: (i) an immediate-release first formulation consisting essentially of an anabolic agent, and (ii) a controlled-release second formulation comprising an anabolic agent and a controlled-release agent, wherein said immediate-release formulation and said controlled-release formulation cooperate to effect stimulation,

C' Carter
9/6/03